

REMARKS

In accordance with the above amendment, claims 1-4, 9, 13-15 and 18-19 have been amended. Claims 1-4, 9, 10 and 13-19 remain under consideration in the present application, claims 5-8 and 11-12 having been withdrawn from consideration. Claims 9-10 have been allowed.

Allowance of claims 9-10 is gratefully acknowledged by the applicants.

In the present action, claims 1-4 and 13-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Baumann (USPN 5,800,471). Baumann is said to teach all the features of the rejected claims as previously presented because multi-site pacing in a single chamber was not expressed in the claims. Accordingly, applicants have clarified the present claims to specifically include multiple pacing sites within a single chamber. It is believed that this should adequately distinguish present claims from the teachings of Baumann '471 and render the remainder of the present claims allowable.

Whereas claims 17-19 were not specifically dealt with in the present Official Action, it is assumed that they are still under consideration and they have been similarly modified accordingly. Other minor editing changes have also been made.

In view of the above amendments taken together with the remarks herein, applicants believe that the present claims are

now in condition for allowance and reconsideration, withdrawal of the present rejections and allowance of the all the claims is respectfully requested.

Should any issues remain which, in the opinion of the Examiner, could be resolved by telephone interview, he is requested to contact the undersigned attorney at his convenience to discuss and, hopefully, resolve same in an effort to expedite prosecution of this application.

Respectfully submitted,

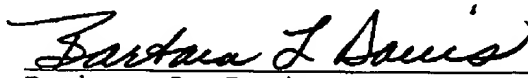
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment in response to the Official Action dated January 11, 2006, in application Serial No. 09/545,536, filed on April 7, 2000, of Rodney W. Salo et al., entitled "CARDIAC RHYTHM MANAGEMENT SYSTEM WITH OPTIMIZATION OF CARDIAC PERFORMANCE USING HEART RATE", a transmittal letter and a Petition for a one-month extension of time are being sent by facsimile transmission to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 11, 2006.



Barbara L. Davis

On behalf of C. G. Mersereau

Date of Signature: May 11, 2006